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DIGEST OF WATER POLLUTION CONTROL LEGISLATION...CONNECTICUT

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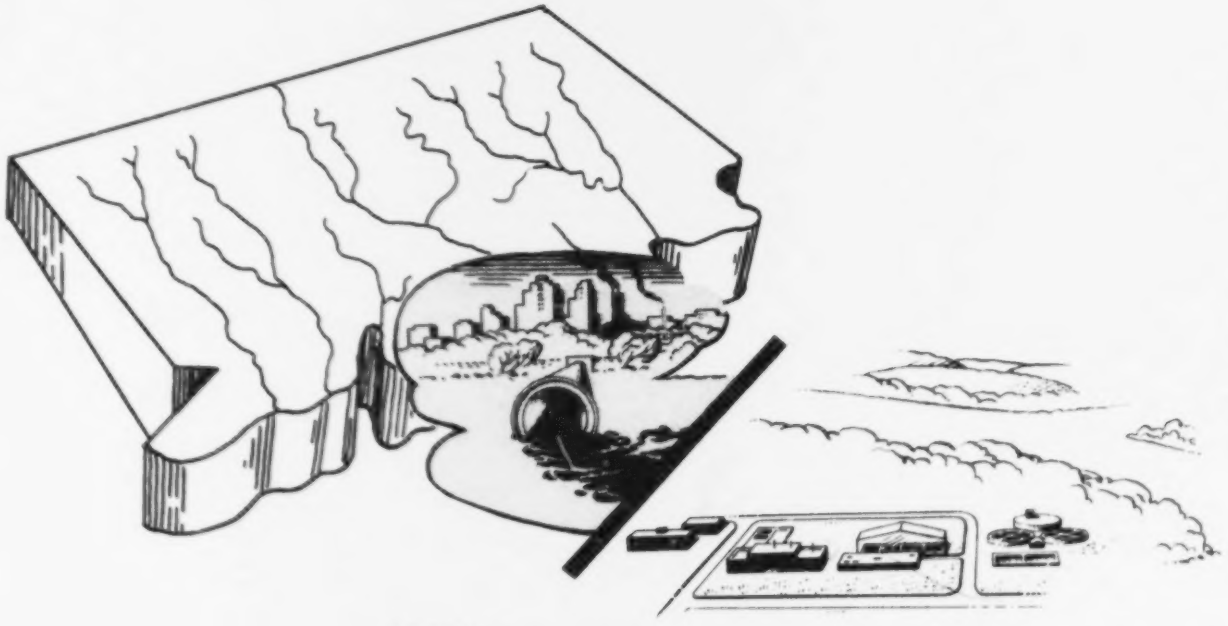

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U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Public Health Service

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Section 3 of the Federal Water Pollution Control Act (33 U.S.C. 466b) directs the Public Health Service to "encourage the enactment of improved and, so far as practicable, uniform State laws relating to the prevention and control of water pollution."

This Digest is one of a series prepared by the Public Health Service as a service to the States and others interested in these objectives. Cooperation of State officials in the preparation of these digests is gratefully acknowledged.

September 1958

DIGEST OF CONNECTICUT WATER POLLUTION CONTROL LEGISLATION

I. GENERAL STATEMENT

In Connecticut both the Water Resources Commission and the State Department of Health have important functions relating to the control and prevention of water pollution.

The Water Resources Commission is authorized to control and abate the pollution of the waters of the State by ordering polluters to use or operate some practicable and reasonably available system or means which will reduce, control, or eliminate pollution if the cost of installation, maintenance, and operation of such remedial measures is not unreasonable or inequitable (1955 Supp., sec. 2114d; Public Acts, 1957, No. 364, sec. 36).1/

The State Department of Health in addition to its general powers to provide for the preservation and improvement of the public health, has specific powers relating to water pollution control to protect public health (Secs. 4015, 4034, 4036; Public Acts, 1957, No. 364, sec. 10).

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II. ADMINISTRATIVE ORGANIZATION

A. Water Resources Commission

1. Composition and organization

The Commission is composed of seven members, appointed by the Governor. One of such members must be a representative of the State

1/ Citations in this digest refer to the General Statutes of Connecticut (Revision of 1949) and the 1955 Supplement thereto, unless otherwise noted.

Department of Health and the other members are to represent one of each of the following interests: Agriculture; Fish, Wildlife and Recreation; Manufacturing; Electric or Water Utilities; Municipalities; and the Public at Large. Members are appointed for 4-year terms, except as to those first appointed. The Commission elects from its membership a Chairman and may employ a Director and a Deputy Director (Sec. 4041; Public Acts, 1957, No. 364, secs. 2, 3, 12).

2. Powers and duties

a) Regulation of pollution

The Commission is authorized to cite any person, firm or corporation which is causing or alleged to be causing the pollution of any waters to appear before it and show cause why an order should not be issued regulating such pollution (Sec. 4042). "Pollution" is defined as "the contaminating or rendering unclean or impure of any water by reason of any sewage, waste or other material which shall be discharged or deposited by any public or private sewer or otherwise so as to directly or indirectly, immediately or ultimately, mingle or come in contact with any water and which may thereby tend to render or in fact render such water unclean or impure" (Sec. 4040; Public Acts, 1957, No. 364, sec. 11).

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b) Review of plans

No public sewerage system or refuse disposal plant can be built, extended or replaced, the effluent or discharged from which may directly or indirectly mingle or come in contact with the waters of the State, until plans therefor have been approved by the Commission (Sec. 4034; Public Acts, 1957, No. 364, sec. 10).

c) Enforcement

If the Commission finds, after hearing, that anyone is polluting the waters of the State, it may issue an order directing such party to use or to operate some practicable and reasonably available system or means which will reduce, control or eliminate the pollution, provided the cost of installation, maintenance and operation thereof is not unreasonable or inequitable. Such order must have regard for the rights and interests of all persons concerned (1955 Supp., Sec. 211.4d; Public Acts, 1957, No. 36, sec. 36).

In addition, the order must specify the particular remedial measure to be used. However, if there are more than one practicable and reasonably available remedial measure the order must give the party the right to choose the measure it will use. The Commission order must specify the time within which operation of the remedial action is to be used or commenced (Ibid).

The Commission may cause the enforcement of any order issued by it to reduce, control or eliminate pollution of any waters, by application to a superior court to enjoin any party from continuing such pollution, or in the case of a municipality, to issue appropriate decree or process. Such application must be brought and the proceedings thereon conducted by the State Attorney General (Ibid).

An aggrieved party may appeal a Commission order, within 30 days after notice thereof, by filing a copy of such appeal with the Commission and by service of a copy upon every other interested party. The court, or a committee appointed by it, is to hear the appeal and examine the legality of the order and its reasonableness and expediency,

and proceeds thereon in the same manner as upon complaints for equitable relief rendering such judgment upon the appeal as it finds will accord with the public welfare (Sec. 4044).

d) Issuance of permits

No one can create, establish, cause or maintain any source of pollution not existing June 23, 1925, unless such person, after application to the Commission, has obtained from it "a permit authorizing such pollution." The Commission, after hearing and investigation, may issue a permit or such order relating to the pollution it finds will best serve the public interest (1955 Supp., Sec. 2115d).

e) Cooperation with other agencies

The Commission is authorized to establish, operate, and maintain stream gauging stations in connection with the investigation of the water resources of the State in cooperation with the United States Geological Survey (Sec. 4047; Public Acts, 1957, No. 364, sec. 14). It is also authorized to cooperate with any other public or private agency in carrying out its functions (Sec. 4041; Public Acts, 1957, 1957, No. 364, sec. 12).

f) Administrative powers

The Commission is authorized to hold hearings, and any Commissioner may issue subpoenas, administer oaths and cause the attendance of witnesses and the production of evidence and testimony in any proceeding before the Commission, subject to the same conditions as are provided by statute for the attendance of witnesses and the production of evidence and testimony in civil actions, and the Commission is authorized to punish for contempt in the same manner as a court may punish for contempt

in a civil action (Sec. 4042). Any Commissioner or any assistant or employee of the Commission may, at any reasonable time, enter any premises while engaged in the performance of his duty (Sec. 4041; Public Acts, 1957, No. 364, sec. 12).

B. State Department of Health

1. Composition and organization

The State Department of Health consists of a Commissioner of Health and a Public Health Council. The Commissioner of Health is the administrative head of the Department and Chairman of the Council. The Council consists of six members in addition to the Commissioner (Secs. 3797-3799).

2. Powers and duties

a) General

The Commissioner administers the health laws and the sanitary code of the State; exercises authority over health officials and assists and advises them in performance of their duties; investigates nuisances and conditions affecting life and health in any locality and can enter and examine any place, ground or building (Sec. 3081). The Department exercises jurisdiction over all matters concerning the purity of any source of water or ice supply used by any municipality, public institution or water or ice company; passes on the qualifications of the operators of plants for the treatment of water furnished or intended to be furnished to any such water supply, and on the qualifications of operators of sewage treatment plants (Secs. 4015, 4034; Public Acts, 1957, No. 364, sec. 10).

b) Issuance of permits and review of plans

Plans for the construction of a water supply system owned or used by a municipal or private corporation or individual must be submitted to and be approved by the Department before construction (Sec. 4016). The plan or design of any public sewerage system must be submitted to and be approved by the Department before it may be constructed (Sec. 4034; Public Acts, 1957, No. 364, sec. 10).

c) Conduct of studies, investigations, and research

The Department examines and analyzes samples of water furnished by health officers of towns, cities or boroughs (Sec. 4023).

d) Enforcement

The Department is authorized to investigate all points of sewage discharge and examine all existing or proposed public sewerage systems, and may compel their operation in a manner which will protect the public health; or may order their alteration, extension and replacement when necessary for the protection of public health (Sec. 4034; Public Acts, 1957, No. 364, sec. 10).

On complaints or on its own motion the Department may investigate existing or threatened pollution of the waters of the State. Upon finding that pollution exists which is prejudicial to the public health, it may issue an order to prevent the continuance of such pollution (Sec. 4036). Persons aggrieved by an order entered pursuant to either of such powers may appeal to the superior court of the county wherein the sewerage system or disposal plant is located, within 30 days from the date on which the order is mailed or served. The court, or a committee appointed by it, is to hear the appeal and determine the question involved, and proceeds thereon in the same manner as upon complaints for equitable relief rendering

such judgment upon the appeal as it finds to be equitable (Sec. 4037). Upon failure of anyone to comply with an order of the Department, relating to sewage systems and to the pollution of the waters of the State prejudicial to public health, the Department may bring a complaint to the superior court for Hartford County, and the court may enforce such order in any appropriate manner (Sec. 4038). Anyone discharging sewage or permitting the same to flow into the waters of the State contrary to the provisions of law relating to sewage disposal is subject to a fine of not more than $500 for each offense, or imprisonment for not more than 6 months, or both (Sec. 4035).

The Department is authorized to investigate any system of water supply or source of water or ice supply from which water or ice used by the public is obtained. If it finds any pollution or threatened pollution which in its judgment is prejudicial to public health, the owner of such system or the person causing the pollution is notified. After hearing the Department may issue such orders as it deems necessary to protect the water or ice supply and render such water or ice safe for domestic use (Sec. 4017). Persons aggrieved by such an order of the Department may appeal within 30 days, to the superior court for the county in which the source of the water or ice supply is located. The appellant is to give notice to all parties in interest by publication in a newspaper or as may be ordered by the court to which such appeal may be brought or by any judge of said court when said court is not in session. The court, or a committee appointed by it, is to hear the appeal and determine the issue involved, and proceeds thereon in the same manner as upon complaints for equitable relief rendering such judgment upon the appeal as it finds to be equitable. If any person

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fails to comply with the terms of an order of the Department and no appeal is taken the State's attorney of the county may bring a complaint against such person to the superior court (Sec. 4019). Violation of the provisions of the law relating to pollution or threatened pollution of water or ice supplies or of any order of the Department made under these provisions is punishable by a fine of not more than $100 (Sec. 4020).

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e) Administrative powers

The Department through the Council is authorized to establish a sanitary code (Sec. 3800).

The Department, for the purpose of protecting the purity of interstate waters used or intended for use as sources of drinking water supply, may provide rules and regulations in the sanitary code for the protection of the purity of such waters within any specified drainage area. Such action is to be taken with a view to reciprocal action by adjoining States for the benefit of Connecticut and must be preceded by a request of an adjoining State (Sec. 4032).

III. MISCELLANEOUS STATUTORY PROVISIONS RELATED TO WATER POLLUTION

It is unlawful for any person to discharge or deposit upon the watershed of any stream or reservoir used to supply water to any community, filthy or noxious matter. Violation is punishable by a fine (1955 Supp., Sec. 2142d).

Anyone who puts or leaves a dead animal or carcass in a pond, spring or reservoir, the water of which is conveyed to any building, or who wilfully puts and leaves in any of the waters of the State a dead animal, is subject to a fine of not more than $50 or imprisonment for not more than 30 days (Sec. 4021). Anyone who puts anything into

a well, spring, fountain, cistern or other place from which water is procured for drinking or other purposes, with the intent to injure the quality of such water, is subject to a fine of not more than $500, or imprisonment for not more than 6 months (Sec. 4022).

It is unlawful to bathe in any reservoir used for supplying water to any town or city or to cast any filthy or impure substance into such reservoir or to commit any nuisance in or about such reservoir. Violation is punishable by a fine of not more than $100 or imprisonment for not more than 6 months, or both (Sec. 4029).

It is unlawful for anyone to deposit any garbage, domestic refuse or other material of like nature from the land or from any watercraft into the waters of the State or to establish or maintain or cause the use of any place for the disposal of any such material on any land within a distance of 50 feet of the high water mark of any such waters or in any place where storm or high water may carry such material to an adjacent waterway. Violation is punishable by a fine of not more than $1,000 or imprisonment for not more than three months, or both (1955 Supp., Sec. 2116d; Public Acts, 1957, No. 364, sec. 13).

It is unlawful to place in any lake, pond or stream any lime, creosote or cocculus indicus or any other drug or poison injurious to fish. Violation is punishable by a fine of not more than $100 or imprisonment for not more than 30 days, or both (Secs. 4938, 4941).

It is unlawful for the proprietor or charterer of any steamer or vessel to throw furnace refuse into the waters of any harbor or river of the State. Violation for first offense is subject to a fine of $100 and $200 for each subsequent offense (Sec. 4762).

IV. INTERSTATE COMPACTS

Connecticut is a party to the Tri-State compact between the States of Connecticut, New York and New Jersey, creating the Interstate Sanitation Commission, relating to the control of future pollution and the abatement of existing pollution of the harbor of New York and the coastal and tidal waters in such area (Sec. 3546).

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Connecticut is a party to the New England Interstate Water Pollution Control Compact between the States of Connecticut, Maine, New Hampshire, Massachusetts, Rhode Island and Vermont, creating the New England Interstate Water Pollution Control Commission, relating to the control of future pollution and abatement of existing pollution of the interstate waters of New England (Sec. 3557).